

APPEAL NO. 041495
FILED AUGUST 12, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 4, 2004. The hearing officer resolved the disputed issue by deciding that due to the respondent's (claimant) compensable injury of _____, the claimant had disability from July 23 through September 5, 2003. The appellant (self-insured) appeals, contending that the claimant failed to prove that he had disability from August 20 through September 5, 2003, and that the determination of disability for that period of time is contrary to the evidence. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his right eye on _____. The claimant had the burden to prove that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed disability issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is evidence to the contrary, the hearing officer could believe the claimant's testimony regarding his inability to perform his job duties as a result of his compensable injury for the time period in dispute. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge